

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

LIONEL R. GAMET,

Defendant.

Case No. CR00-148-JCC

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on June 15, 2012. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Sarah Vogel, and defendant was represented by Robert Goldsmith. Also present was U.S. Probation Officer Jennifer Van Flandern. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on September 28, 2001, by the Honorable John C. Coughenour for Conspiracy to Distribute Methamphetamine. He received 84 months of detention and 5 years supervised release. Mr. Gamet completed his original term of custody on April 19, 2005, and his period of supervised release commenced.

On October 18, 2007, a violation report and petition requesting a warrant was submitted to

1 the Court alleging Mr. Gamet had violated his conditions of supervised release by: (1)
2 Committing the Crime of Assault, 2nd Degree; (2) Committing the Crime of Unlawful
3 Possession of a Firearm, 1st Degree; and (3) Committing the Crime of Violation of the Uniform
4 Controlled Substance Act (“VUCSA”). Mr. Gamet admitted allegation number 3, and
5 allegations 1 and 2 were dismissed as these violations were addressed in King County Superior
6 Court, Case No. 01-1-05071-3. The Court revoked Mr. Gamet’s term of supervised release on
7 February 15, 2008, and sentenced Mr. Gamet to 5 months custody to run consecutive to a
8 custodial sentence of 12 months and one day imposed by King County Superior Court, Cause
9 No. 01-1-05071-3. This custodial term was to be followed by a 48-month term of supervised
10 release. All previously imposed conditions were reimposed. Mr. Gamet completed his term of
11 custody on June 23, 2009, and his second term of supervised release commenced.

12 On October 13, 2009, Mr. Gamet’s supervision was modified to include the condition that
13 he participate in the home confinement program with electronic monitoring for a period of 60
14 days. The modification was prompted after Mr. Gamet was arrested for investigation of burglary
15 and harassment-domestic violence.

16 On March 15, 2010, Mr. Gamet’s supervision was modified to include the condition that he
17 participate in the home confinement program with electronic monitoring for a period of 14 days.
18 The modification was prompted after Mr. Garnet returned three hours late from an approved pass
19 while on electronic monitoring.

20 **PRESENTLY ALLEGED VIOLATIONS**

21 In a petition dated May 17, 2012, U.S. Probation Officer Jennifer Van Flandern alleged that
22 defendant violated the following conditions of supervised release:

23 1. Possessing a firearm on or about September 8, 2011, in violation of the general

1 condition that he not possess a firearm, ammunition, destructive device, or any other
2 dangerous weapon.

3 2. Failing to comply with Anger Control Treatment and Therapies by being discharged for
4 non-compliance on May 15, 2012, in violation of the special condition requiring he
5 participate in mental health treatment as directed.

6 3. Using cocaine on or before May 14, 2012, in violation of the special condition
7 prohibiting the use of alcohol and controlled substances.

8 4. Failing to report to the probation office as directed on May 14 and 15, 2012, in
9 violation for standard condition number two.

10 Before the hearing, a second violation report was submitted by U. S. Probation Officer,
11 Jennifer Van Flandern and provided to the defense. She additionally charged Mr. Gamet with a
12 fifth violation:

13 5. Using cocaine on or before May 22, 2012, in violation of the special condition
14 prohibiting the use of alcohol and controlled substances.

15 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

16 Defendant was advised of his right to have a hearing on all alleged violations. He waived
17 his right to a hearing on violations 3 and 5 and admitted them. The Court then conducted a
18 hearing as to violations 1, 2, and 4. Based on the testimony of the witnesses and the defendant,
19 and the exhibits admitted as evidence, the Court found the government had proven violations 1,
20 2, and 4 by a preponderance of the evidence. Defendant was advised he would appear for a
21 disposition hearing on June 22, 2012 before the Honorable John C. Coughenour.

22 **RECOMMENDED FINDINGS AND CONCLUSIONS**

23 Based upon the foregoing, I recommend the court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 15th day of June, 2012.

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BRIAN A. TSUCHIDA
United States Magistrate Judge